

SCANNED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
In re REFCO, INC. SECURITIES LITIGATION :
----- X

07 MDL No. 1902 (GEL)

MARC S. KIRSCHNER, AS TRUSTEE OF
THE REFCO LITIGATION TRUST,

07 Civ. 11604 (GEL)

Plaintiff,

- against -

GRANT THORNTON LLP et al.,

Defendants.
----- X

KRYS et al.,

08 Civ. 3086 (GEL)

Plaintiffs,

- against -

SUGRUE et al.,

Defendants.
----- X

**NOTICE OF MOTION TO ADMIT
JONATHAN PETER HERSEY *PRO HAC VICE***

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Paul Spagnoletti, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission *pro hac vice* of

7
JUN 05 2008
SEB 052550

NOT RECORDED
2008 JUN -5 PM 4:18
S.D. OF N.Y.

JONATHAN PETER HERSEY
Sheppard Mullin Richter & Hampton LLP
650 Town Center Drive, Fourth Floor
Costa Mesa, California 92626
Phone: (714) 424-2803
Fax: (714) 513-5130
jhersey@sheppardmullin.com

JONATHAN PETER HERSEY is a member in good standing of the bars of (i) the State of California, (ii), the Ninth Circuit Court of Appeals, and (iii) the United States District Courts for the Southern, Central, Eastern and Northern Districts of California. There are no pending disciplinary proceedings against JONATHAN PETER HERSEY in any State or Federal court.

Dated: New York, New York
June 5, 2008

DAVIS POLK & WARDWELL

By:


Paul Spagnoletti (PS-5298)

450 Lexington Avenue
New York, New York 10017
(212) 450-4000

*Attorneys for Defendants Ingram Micro Inc.
and CIM Ventures Inc.*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
In re REFCO, INC. SECURITIES LITIGATION :

07 MDL No. 1902 (GEL)

----- X
MARC S. KIRSCHNER, AS TRUSTEE OF
THE REFCO LITIGATION TRUST, :

07 Civ. 11604 (GEL)

Plaintiff, :

- against - :

GRANT THORNTON LLP et al., :

Defendants. :

----- X
KRYIS et al., :

08 Civ. 3086 (GEL)

Plaintiffs, :

- against - :

SUGRUE et al., :

Defendants. :

----- X
**DECLARATION OF PAUL SPAGNOLETTI IN SUPPORT OF
MOTION TO ADMIT JONATHAN PETER HERSEY *PRO HAC VICE***

I, Paul Spagnoletti, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, as follows:

1. I am a member of the law firm Davis Polk & Wardwell, counsel for defendants Ingram Micro Inc. ("Ingram Micro") and CIM Ventures Inc. ("CIM Ventures") in the above-captioned matters. I am familiar with the proceedings in these matters. I make this statement based on my personal knowledge of the facts set forth herein and in support of Ingram Micro's

and CIM Ventures' motion to admit Jonathan Peter Hersey as counsel pro hac vice to represent defendants Ingram Micro and CIM Ventures in these matters.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law on August 11, 1999. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. I have known Jonathan Peter Hersey since March 17, 2008.

4. Mr. Hersey is a Partner at Sheppard Mullin Richter & Hampton LLP in Costa Mesa, California.

5. I have found Mr. Hersey to be a skilled attorney and a person of integrity. He is experienced in federal practice and is familiar with the Federal Rules of Civil Procedure.

6. Accordingly, I am pleased to move the admission of Jonathan Peter Hersey, *pro hac vice*.

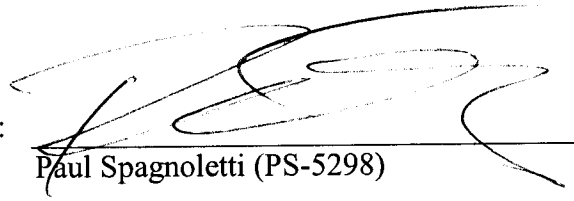
7. I respectfully submit a true and correct copy of the Certificate of the Clerk of the Supreme Court of the State of California certifying that Jonathan Peter Hersey is a member in good standing of the bar of the State of California, which is attached hereto as Exhibit A.

8. I respectfully submit a proposed order granting the admission of Jonathan Peter Hersey, *pro hac vice*, which is attached hereto as Exhibit B.

WHEREFORE it is respectfully requested that the motion to admit Jonathan Peter Hersey, *pro hac vice*, to represent defendants Ingram Micro and CIM Ventures in the above-captioned matters, be granted.

Dated: New York, New York
June 5, 2008

By:



Paul Spagnoletti (PS-5298)



Supreme Court of California

FREDERICK K. OHLRICH

Clerk of the Court

CERTIFICATE OF THE CLERK OF THE SUPREME COURT

OF THE

STATE OF CALIFORNIA

JONATHAN PETER HERSEY

*I, FREDERICK K. OHLRICH, Clerk of the Supreme Court of the State of California, do hereby certify that **JONATHAN PETER HERSEY** was on the 9th day of June 1997, duly admitted to practice as an attorney and counselor at law in all the courts of this state; and that his name now appears on the Roll of Attorneys as a member of the bar of this state in good standing.*

*Witness my hand and the seal of the court,
this 19th day of MAY, 2008.*

FREDERICK K. OHLRICH

Clerk of the Supreme Court

By

A handwritten signature in cursive script, appearing to read "Joseph Cornetta".

Joseph Cornetta, Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
In re REFCO, INC. SECURITIES LITIGATION :

07 MDL No. 1902 (GEL)

----- x
MARC S. KIRSCHNER, AS TRUSTEE OF
THE REFCO LITIGATION TRUST, :

07 Civ. 11604 (GEL)

Plaintiff, :

- against - :

GRANT THORNTON LLP et al., :

Defendants. :

----- x
KRYIS et al., :

08 Civ. 3086 (GEL)

Plaintiffs, :

- against - :

SUGRUE et al., :

Defendants. :

----- x
**ORDER FOR ADMISSION OF
JONATHAN PETER HERSEY *PRO HAC VICE* ON WRITTEN MOTION**

Upon the motion of Paul Spagnoletti, attorney for defendants Ingram Micro Inc. and CIM Ventures Inc. in the above-captioned matters, and said sponsor attorney's declaration in support;

IT IS HEREBY ORDERED that

JONATHAN PETER HERSEY
Sheppard Mullin Richter & Hampton LLP
650 Town Center Drive, Fourth Floor
Costa Mesa, California 92626
Phone: (714) 424-2803
Fax: (714) 513-5130
jhersey@sheppardmullin.com

is admitted to practice *pro hac vice* as counsel for defendants Ingram Micro Inc. and CIM Ventures Inc. in the above-captioned matters in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the *pro hac vice* fee to the Clerk of Court.

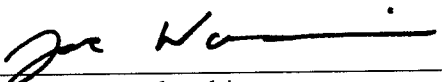
Dated: New York, New York
_____, 2008

By: _____
United States District/Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on June 4, 2008, I caused true and accurate copies of: (i) the foregoing Motion to Admit Counsel Pro Hac Vice, (ii) the accompanying Affidavit of Paul Spagnoletti in support of the motion, and (iii) the proposed Order for Admission Pro Hac Vice on Written Motion, to be served upon counsel of record by regular mail at the addresses set forth on the attached service list.

Dated: New York, New York
June 5, 2008



Joseph J. Wardenski

SERVICE LIST

Parties to Kirschner v. Grant Thornton

Richard I. Werder, Jr.
Nicholas J. Calamari
Michael B. Carlinsky
Susheel Kirpalani
Sascha N. Rand
Rebecca J. Trent
Robert C. Juman
Rex Lee
QUINN EMANUEL URQUHART
OLIVER & HEDGES LLP
51 Madison Avenue
22nd Floor
New York, NY 10010
Phone: (212) 849-7000
Fax: (212) 849-7100
rickwerder@quinnemanuel.com
nicholascalamari@quinnemanuel.com
michaelcarlinsky@quinnemanuel.com
sarahrubin@quinnemanuel.com
sascharand@quinnemanual.com
beckytrent@quinnemanual.com
robertjuman@quinnemanual.com
rexlee@quinnemmanual.com

***Counsel for Marc S. Kirschner, as
Trustee of the Refco Litigation Trust***

Susheel Kirpalani
Milbank, Tweed, Hadley &
McCloy LLP
1 Chase Manhattan Plaza
New York, NY 10005
Phone: (212) 530-5234
Fax: (212) 822-5234
skirpalani@milbank.com

-and-

John R. McCambridge
Todd C. Jacobs
Gary M. Miller
GRIPPO & ELDEN, LLC
111 South Wacker Drive
Chicago, IL 60606
docket@grippoelden.com,
ourdocket@gmail.com

***Counsel for Marc S. Kirschner, as
Trustee of the Refco Litigation Trust***

Philip D. Anker
WILMER CUTLER PICKERING HALE
& DORR LLP
399 Park Avenue
New York, NY 10022
Phone: (212) 230 8890
Fax: (212) 230 8888
philip.anker@wilmerhale.com

-and-

Jeffrey Todd Gilbert
Pia N. Thompson
REED SMITH, LLP
10 South Wacker Drive
40th Floor
Chicago, IL 60606-7507
tguzman@reedsmith.com,
jgilbert@reedsmith.com,
pthompson@reedsmith.com

***Counsel for Banc of America Securities,
LLC; Credit Suisse Securities (USA),
LLC; Deutsche Bank Securities, Inc.***

Aaron E. Albert
Alan C. Thomas
FISCHER PORTER & THOMAS, P.C.
440 Sylvan Avenue
Suite 130
Englewood Cliffs, NJ 07632-2700
Phone: (201) 569-5959 x 131
Fax: (201) 871-4544
aalbert@fpmtlaw.com
athomas@fpmtlaw.com
***Counsel for Beckenham Trading Co.,
Inc.; Andrew Krieger***

Joel Alan Blanchet
James C. Joslin
Reed S. Oslan
Peter Stasiewicz
Amanda J. Wendorff
Micah Eric Marcus
Richard Howell
KIRKLAND & ELLIS LLP
200 East Randolph Drive
Chicago, IL 60601-6636
jblanchet@kirkland.com,
jjoslin@kirkland.com,
roslan@kirkland.com,
pstasiewicz@kirkland.com,
awendorff@kirkland.com,
mmcarcus@kirkland.com,
rhowell@kirkland.com
***Counsel for Coast Asset Management,
LLC f/k/a Coast Asset Management LP;
CS Land Management, LLC***

Richard Soto
Scott E. Hershman
HUNTON & WILLIAMS LLP
200 Park Avenue
New York, NY 10166-0136
Phone: (212) 309-1053
Fax: (212) 309-1100
rsoto@hunton.com
shershman@hunton.com
Counsel for Santo C. Maggio

David E. Mollon
WINSTON & STRAWN LLP
200 Park Avenue
New York, NY 10166-4193
dmollon@winston.com

-and-

Linda T. Coberly
Catherine W. Joyce
Bradley E. Lerman
WINSTON & STRAWN LLP
35 West Wacker Drive
Chicago, IL 60601
lcoberly@winston.com,
cjoyce@winston.com,
blerman@winston.com,
ECF_CH@winston.com
Counsel for Grant Thornton, LLP

John K. Villa
Anthony M. Candido
Craig D. Singer
Daniel P. Shanahan
Michael S. Sundermeyer
Thomas G. Ward
WILLIAMS & CONNOLLY LLP
725 12th Street, N.W.
Washington, DC 20005
Phone: (202) 434-5000
Fax: (202) 434-5029

-and-

Kevin Michael Forde
KEVIN M. FORDE, LTD.
111 West Washington Street
Suite 1100
Chicago, IL 60602
kforde@fordeltd.com,
kbrubaker@fordeltd.com
Counsel for Mayer Brown LLP

James J. Capra, Jr.
Kenneth T. Turnball
James P. Cusick
ORRICK HERRINGTON & SUTCLIFFE
LLP
666 Fifth Avenue
New York, NY 10103
Phone: (212) 506-5000
jcapra@orrick.com
kturnball@orrick.com
***Counsel for PriceWaterhouseCoopers
LLP***

Anthony M. Candido
CLIFFORD CHANCE US LLP
31 West 52nd Street
New York, NY 10019-6131
Phone: (212) 878-8000
Fax: (212) 878-8375
anthony.candido@cliffordchance.com
***Counsel for Mayer Brown International
LLP***

Veronica E. Rendon
ARNOLD & PORTER LLP
399 Park Avenue
New York, NY 10022
Phone: (212) 715-1165
Fax: (212) 715-1399
veronica.rendon@aporter.com
***Counsel for Delta Flyer Fund, LLC;
EMF Financial Products, LLC; EMF
Core Fund, Ltd.; Eric M. Flanagan***

Christopher R. Harris
Anthony Maul
Miles N. Ruthberg
Elizabeth H. Hickey
LATHAM & WATKINS LLP
885 Third Avenue
Suite 1000
New York, NY 10022-4834
Phone: (212) 906-1200
Fax: (212) 751-4864
christopher.harris@lw.com
miles.ruthberg@lw.com
elizabeth.hickey@lw.com
Counsel for Ernst & Young U.S. LLP

Thomas Justin Cunningham
Ronald M. Lepinkas
Sally Weiss Mimms
Phillip Russell Perdew
LOCKE LORD BISSELL & LIDDELL
LLP
111 South Wacker Drive
Chicago, IL 60606
tcunningham@lockelord.com,
rlepinkas@lockelord.com,
mhoeft@lockelord.com,
smimms@lockelord.com,
pperdew@lockelord.com,
kargyris@lockelord.com,
docket@lockelord.com
Counsel for Christopher Pettit

John D. Tortorello
Roseann Bassler Dal Pra
MARINO TORTORELLO PC
437 Southern Boulevard
Chatham, NJ 07928-1488
Phone: (973) 824-9300
Fax: (973) 824-8425
jtortorella@kbmarino.com
rdalpra@khmarino.com
***Counsel for Liberty Corner Capital
Strategies, LLC; William T. Pigott***

Barbara Moses
Rachel M. Korenblat
James S. Darrow
MORVILLO ABRAMOWITZ GRAND
IASON ANELLO & BOHRER, P.C.
565 Fifth Avenue
New York, NY 10017
Phone: (212) 856-9600
Fax: (212) 856-9494
bmoses@maglaw.com
jdarrow@maglaw.com
rkorenblat@maglaw.com

-and

Maura Forde O'Meara
Stephen J. O'Neil
BELL BOYD & LLOYD
70 West Madison Street
Suite 3100
Chicago, IL 60602
momeara@bellboyd.com,
soneil@bellboyd.com,
docket@bellboyd.com
Counsel for Robert C. Trosten

Norman L. Eisen
ZUCKERMAN SPAEDER LLP
1800 M Street, N.W.
Suite 1000
Washington, DC 20036
Phone: (202) 778-1800
Fax: (202) 822-8106
neisen@zuckerman.com
Counsel for Tone Grant

Jeffrey T. Golenbock
Adam C. Silverstein
GOLENBOCK EISEMAN ASSOR
BELL & PESKOE LLP
437 Madison Avenue
New York, NY 10022-7302
Phone: (212) 907-7300
Fax: (212) 754-0330
jgolenbock@golenbock.com
asilverstein@golenbock.com
***Counsel for Phillip R. Bennett; Refco
Group Holdings, Inc.***

-and-

Edward Sidney Weil
Heather L. Kramer
SCHWARTZ COOPER CHARTERED
180 North LaSalle Street
Suite 2700
Chicago, IL 60601
eweil@scgk.com, hkramer@scgk.com
Counsel for Phillip R. Bennett

Parties to Krys v. Sugrue

Leo R. Beus
BEUS GILBERT PLLC
4800 North Scottsdale Road
Scottsdale, Arizona 85251
***Counsel for Plaintiffs Kenneth R. Krys
and Christopher Stride as Joint Official
Liquidators of the Sphinx Funds and
James P. Sinclair, as Trustee of the
Sphinx Fund***

Mitchell A. Karlan
GIBSON, DUNN & CRUTCHER LLP
200 Park Avenue
New York, NY 10166-0193
***Counsel to Defendant Gibson, Dunn &
Crutcher LLP***

David W. Wiltenburg
HUGHES HUBBARD & REED LLP
One Battery Park Plaza
New York, NY 10004
***Counsel to Defendant
PricewaterhouseCoopers Cayman
Islands***

David Emilio Mollon
WINSTON & STRAWN LLP
200 Park Avenue
New York, NY 10166-4193
***Counsel to Defendants Grant Thornton
LLP and Mark S. Ramler***

Andrew S. Dash
David Molton
BROWN RUDNICK
Seven Times Square
Times Square Tower
New York, NY 10036
***Counsel for Plaintiffs Kenneth R. Krys
and Christopher Stride as Joint Official
Liquidators of the Sphinx Funds and
James P. Sinclair, as Trustee of the
Sphinx Trust***

James J. Capra, Jr.
ORRICK HERRINGTON &
SUTCLIFFE LLP
666 Fifth Avenue
New York, NY 10103
***Counsel to Defendants
PricewaterhouseCoopers LLP and Mari
Ferris***

Anthony Mathias Candido
CLIFFORD CHANCE US LLP
31 West 52nd Street
New York, NY 10019-6131
***Counsel for Mayer Brown International
LLP***

Ronald M. Lepinkas
DLA PIPER
203 North LaSalle Street, Suite 1900
Chicago, IL 60601-1293
Counsel to Defendant Christopher Petitt

Christopher R. Harris
LATHAM & WATKINS LLP
885 Third Avenue
New York, NY 10022
***Counsel to Defendant Ernst & Young
LLP***

Jonathan Paul Bach
COOLEY GODWARD KRONISH LLP
1114 Avenue of the Americas
New York, NY 10036
Counsel to Defendant Joseph Collins

Charles E. Clayman
CLAYMAN & ROSENBERG
305 Madison Avenue, Suite 1301
New York, NY 10165
Counsel to Defendant Paul Koury

Barbara Moses
MORVILLO, ABRAMOWITZ, GRAND,
IASON, ANELLO & BOHRER, P.C.
565 Fifth Avenue
New York, NY 10017
Counsel to Defendant Robert C. Trosten

Scott E. Hershman
HUNTON WILLIAMS LLP
200 Park Avenue
New York, NY 10166-0091
Counsel to Defendant Santo C. Maggio

Helen B. Kim
KATTEN MUCHIN ROSENMAN LLP
2029 Century Park East
Suite 2600
Los Angeles, CA 90067-3012
Counsel to Defendant Dennis Klenja

John K. Villa
Thomas George Ward
WILLIAMS & CONNOLLY LLP
725 Twelfth Street, N.W.
Washington, D.C. 20005
Counsel to Defendant Mayer Brown LLP

Edward S. Best
MAYER BROWN LLP
71 S. Wacker Drive
Chicago, IL 60606

Jeffrey T. Golenbock
GOLENBOCK EISEMAN ASSOR
BELL & PESKIE LLP
437 Madison Avenue
New York, NY 10022-7302
***Counsel to Defendants Phillip R. Bennett
and Refco Group Holdings Inc.***

Melina Sarafa
ZUCKERMAN SPAEDER LLP
1540 Broadway
Suite 1604
New York, NY 10036
Counsel to Defendant Tone Grant

Joel A. Blanchet
KIRKLAND & ELLIS LLP
Citigroup Center
153 East 53rd Street
New York, NY 10022
***Counsel to Defendants Coast Asset
Management LLC f/k/a Coast Asset
Management LP; and CS Land
Management, LLC***

Nicolle L. Jacoby
DECHERT LLP
30 Rockefeller Plaza
New York, NY 10112-2200
***Counsel to Defendant BAWAG P.S.K.
Bank fur Arbeit und Wirtschaft und
Osterreichische Postsparkasse
Aktiengesellschaft***

Aaron E. Albert
FISCHER PORTER & THOMAS, P.C.
440 Sylvan Avenue
Suite 130
Englewood Cliffs, NJ 07632-2700
***Counsel to Defendants Beckenham
Trading Co. Inc. and Andrew Kreiger***

Greg A. Danilow
WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, NY 10153
***Counsel to Defendants Thomas H. Lee
Partners L.P., Thomas H. Lee Advisors,
LLC, THL Managers V., LLC, THL
Equity Advisors V, L.P., Thomas H. Lee
Parallel Funds V.,L.P., Thomas H. Lee
Equity (Cayman) Fund V., L.P., Thomas
H. Lee Investors Limited Partnership,
1997 Thomas H. Lee Nominee Trust,
Thomas H. Lee, David V. Harkins, Scott
A. Schoen, and Scott L. Jaeckel***

John D. Tortorella
MARINO TORTORELLA PC
437 Southern Boulevard
Chatham, NJ 07928
***Counsel to Defendants Liberty Corner
Capital Strategies, LLC and William T.
Pigott***

Veronica E. Rendon
ARNOLD & PORTER LLP
399 Park Avenue
New York, NY 10022-4690
***Counsel to Defendants Eric M.
Flanagan, EMF Financial Products,
LLC and Delta Flyer Fund, LLC***

Mr. Thomas Hackl
150 Central Park South
New York, NY 10019

Mr. Christopher Sugrue
150 Central Park South, Apt. 2010
New York, NY 10019

Refco Alternative Investments LLC
c/o CT Corporation System
111 Eighth Avenue
New York, NY 10011

Nicolle L. Jacoby
DECHERT LLP
30 Rockefeller Plaza
New York, NY 10112-2200
***Counsel to Defendan BAWAG P.S.K.
Bank fur Arbeit und Wirtschaft und
Osterreichische Postparkasse
Aktiengesellschaft***

Philip D. Anker
WILMER CUTLER PICKERING HALE
& DORR LLP
399 Park Avenue
New York, New York 10022
***Attorneys for Defendants JP Morgan
Chase & Co., Credit Suisse Securities
(USA) LLC (formerly Credit Suisse First
Boston LLC), and Banc of America
Securities LLC***